

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America

v.

Jason Michael Ludke, and
Yosvany Padilla-Conde

Case No.

16-M-132

1-16MJ-0053

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 09/01/2016 to 10/05/2016 in the county of Milwaukee in the
Eastern District of Wisconsin & elsewhere, the defendant(s) violated:

Code Section

Offense Description

Title 18 U.S.C. § 2339B(a)(1)

Attempt to provide material support to a designated foreign terrorist organization

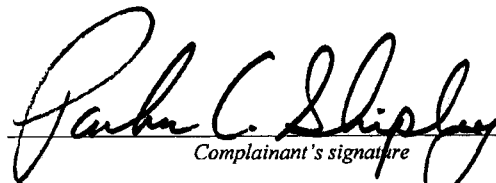
Title 18 U.S.C. § 2

Aiding and abetting the attempt to provide material support to a designated foreign terrorist organization

This criminal complaint is based on these facts:

See attached Affidavit

☒ Continued on the attached sheet.



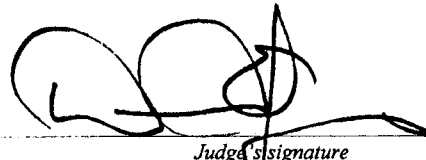
Complainant's signature

Special Agent Parker C. Shipley, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 09.14.2016



Judge's signature

City and state: Milwaukee, Wisconsin

Honorable David E. Jones, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Parker C. Shipley, being duly sworn, hereby deposes and says:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), currently assigned to the Milwaukee Field Office, Joint Terrorism Task Force (JTTF). I have been with the FBI since 1999. Prior to becoming a Special Agent with the FBI, I was a Commissioned Officer in the U.S. Army for approximately eight and one half years. I am involved in investigations of persons suspected of international terrorism in the State of Wisconsin and throughout the United States.
2. The facts in this affidavit come from my personal observations, and information obtained from other agents and witnesses. Because the information outlined herein is provided for the limited purpose of establishing probable cause, this affidavit does not exhaustively contain each and every fact and detail of which I and other law enforcement officers are aware relating to this investigation.
3. Based on facts set forth in this affidavit, I submit there is probable cause to believe that a violation of Title 18, United States Code, Section 2339B(a)(1), attempting to provide material support or resources to a foreign terrorist organization, has been committed by JASON MICHAEL LUDKE. I further submit there is probable cause to believe that a violation of Title 18, United States Code, Sections 2339B(a)(1) and 2, aiding and abetting LUDKE's attempt to provide material support or resources to a foreign terrorist organization, has been committed by YOSVANY PADILLA-CONDE. PADILLA-CONDE is also known as SAADIQ IBN ABBAS and SAADIQ PADILLA. LUDKE is also known as MUHAMMAD NASSIR, MUHAMMAD ABDUN NAASIR AL-HANNAFI and ABUZ SAYYAF.

4. On October 15, 2004, the United States Secretary of State designated Al-Qaeda in Iraq (AQI), then known as Jam'at al Tawhid wa'al-Jihad, as a Foreign Terrorist Organization (FTO) Under Section 219 of the Immigration and Nationality Act and Specifically Designated Global Terrorist under section 1(b) of Executive Order 13224.
5. On May 15, 2015, the Secretary of State amended the designation of AQI as an FTO under Section 219 of the Immigration and Nationality Act and Specifically Designated Global Terrorist under section 1(b) of Executive Order 13224 to add the alias Islamic State of Iraq and the Levant (ISIL) as its primary name. The Secretary also added the following aliases to the ISIL listing: the Islamic State of Iraq and al'Sham (ISIS), the Islamic State of Iraq and Syria (ISIS), ad-Dawla al'Islamiyya fi al-'Iraq wa-sh-Sham, Daesh, Dawla al Islamiya, and Al-Furqan Establishment for Media Production. On September 21, 2015, the Secretary added the following aliases to the ISIL listing: Islamic State, ISIL, and ISIS. To date, ISIL remains a designated FTO. In an audio recording publicly released on June 29, 2014, ISIL announced a formal change of its name to Islamic State.
6. The Milwaukee JTTF has been investigating PADILLA-CONDE and LUDKE as a result of LUDKE'S stated intent to travel overseas to join ISIL and PADILLA-CONDE's role in assisting or joining LUDKE. In September 2016, an FBI undercover employee (UCE) received a friend request from LUDKE using Social Media Platform (SMP) #1 and name "Abuz Sayyaf". The UCE accepted the friend request, and thereafter had a private conversation with LUDKE on SMP #1. During that conversation, the UCE inquired about LUDKE's location. LUDKE stated that he is from USA and that he wants to make "hijra" (migration) away from "darul kufir" (land of the infidel).
7. On 9/28/2016, LUDKE had another private conversation with the UCE on SMP #1. During that conversation LUDKE stated that he was making plans to come "there" but because he has

a criminal past he was traveling first to Mexico. LUDKE stated that he has family in Mexico and will be able to purchase papers. LUDKE and the UCE exchanged email addresses, LUDKE's address being salafimuslim1980@xxx.com. LUDKE sent two pictures of himself to the UCE's email address.

8. On 9/28/2016, LUDKE, using the screen name Abuz Sayyaf, contacted UCE via SMP #1 and stated that he is focused on hijra and that he wanted to have a voice chat with the UCE. The UCE asked if LUDKE had an account with SMP #2. Thereafter, LUDKE created an account, exchanged user names with the UCE, provided the UCE with his phone number (414)759-xxxx, and made a call to the UCE. During the conversation, LUDKE told the UCE that he lives in Milwaukee, Wisconsin, with his "brother," and that he converted to Islam in 2003. LUDKE stated that he is working on his "brother," who is aware of LUDKE's intentions, and who may also be interested in joining ISIL. LUDKE stated that he has a brother-in-law in Mexico who can help them get from the United States and into Mexico. LUDKE stated that he [LUDKE] has no travel documents but that he can purchase them in Mexico. The UCE asked LUDKE to wait for further instructions before making any attempt to leave the United States. LUDKE agreed to wait while the UCE consults with persons who can help LUDKE get into Raqqa, Syria and then into Mosul [Iraq]. LUDKE uttered the Islamic creed, pledged his allegiance to the leader of ISIL (the purported "Caliph"), Al-Baghdadi, stated that he wants to live under Shariah law, that he rejects tyranny and Kuffar [infidels], that he believes in Al-Wala' wa Al-Bara', [love Muslims and hate infidels for Allah's sake], that he is ready to make hijrah [migration] to join ISIL as he knows they are on the path of Haq [truth]. LUDKE also stated that he's tired of living under the infidel's system and that he wants to make hijrah to learn the deen [religion] and to strive for Jannah [paradise].

9. On 9/29/2016, LUDKE, using email address salafimuslim1980@xxx.com, sent a video to the UCE in which he stated the following (as preliminarily translated and transcribed):

Bism Allah Al-Rahman Al-Rahim [in the name of Allah, the most compassionate and the most merciful] Alsalamu Alaykum wa rahmatu Allahi wa barakatuh, [peace be upon you and Allah's mercy and blessings] my name is Muhammed Abdul Nasir, Abu nasir, wallahi, [By Allah] I pledged my allegiance to the Amir Al-Mu'minin [Commander of the faithful] Al-Baghdadi as an Imam and Caliph based on the Qur'an and Sunnah in the path of the Khulafa' Al-Rashidun [the rightly guided Caliphates] I hear and obey with my capacity and hereby give you brother my Bay'a, in shaa' Allah I am striving for Jannah [Paradise], I love you all fi sabil Allah [for the sake of Allah].

10. On 10/01/2016, LUDKE, using the name "Nasir," emailed the UCE and asked the UCE to call him at phone number (414)759-xxxx. In separate emails, LUDKE also sent two photos of himself and one with his "brother," whom LUDKE referred to as "Saadiq," since identified as PADILLA-CONDE. Also on 10/01/2016, LUDKE sent another email to the UCE stating that he had to create a new SMP #1 account by the name of "aboo dujana", and that he sent the UCE a message from the new account. LUDKE stated that his "brother Saadiq" will accompany him.

11. Later on 10/01/2016, the UCE received an email with an attachment from email address abuzaidasalafiyya@xxx.com. The name on the email is AbuZaid Haddaf. The sender stated that he is Abu Dujana's brother, and attached a video clip of PADILLA-CONDE. PADILLA-CONDE is seen pledging allegiance to Al-Baghdadi, with a handmade flag of ISIL in the background. On the video, PADILLA-CONDE states the following (as preliminarily translated and transcribed):

Bism Allah Al-Rahman Al-Rahim [in the name of Allah, the most compassionate and the most merciful] Alsalamu Alaykum ya ikhwan, [greetings my brothers], my name is Saadiq Ibn Abbas, also known as Abu Zaid, I am making this video to you brothers to show

my allegiance to the Amir Al-Mu'minin [Commander of the faithful] as per the Qur'an and Sunnah to establish the Khilafah [Caliphate] upon deen [religion] and upon the earth of Allah. In shaa' Allah rab alalmeen, me and my brother will make our way to Yemen, in shaa' Allah, and in shaa' Allah become victorious, bism Allah azza wa jal [in the name of the exalted Allah].

Sitting next to PADILLA-CONDE is LUDKE, who endorses PADILLA-CONDE by stating the following (as preliminarily translated and transcribed):

Alsalamu Alaykum wa rahmatu Allahi wa barakatuh, [Islamic greeting] my name is Abu Dujana, in shaa' Allah you brothers are familiar with me, I just want to say, wallahi [by Allah] man, I attest to the brother's taqua, [piety], I attest to the brother's iman [faith], he is a good brother, alhamdu lillah and he's striving to the Jannah [Paradise] with me, in shaa' Allah I look forward so much to join you brothers, ma shaa' Allah it's going to be a beautiful day, man. Allahu akbar.

PADILLA-CONDE also said, "Allahu akbar, ashhadu alla ilaha illa Allah, [Islamic creed]."

12. On 10/03/2016, the UCE received an email from LUDKE at email address salafimuslim1980@xxx.com, stating "Brother we making hijrah so just update me if ikhwan have brothers Mexico I can talk to for help??? Was sallam." On 10/04/2016, LUDKE sent the UCE an email stating PADILLA-CONDE is "going to Iraq and would like to join up with u insha Allah. I would like Iraq or sham [Syria]."

13. On 10/04/2016, the UCE exchanged the below private messages with LUDKE's SMP #1 account, "Aboo Dujana":

Aboo Dujana: Can they get us out Brazil As easier travel From there Or mexico

The UCE informs LUDKE that travel arrangements can be made from Mexico but not necessarily from other countries.

Aboo Dujana: Okay we go mexico

The UCE informs LUDKE that people will be ready to receive him in Mexico and may have passports for Arabic countries available.

Aboo Dujana: Ok

The UCE instructs LUDKE not to move until his/her contacts are ready.

Aboo Dujana: Ok

14. On 10/05/2016, the UCE received an email from PADILLA-CONDE's email address abuzaidasalafiyya@xxx.com, stating the following: "This is stating intention of of [sic] serving the khilafah, and becoming learnt [sic] for the sake of our ummah. Love you all for the sake of Allah". Subsequently on 10/05/2016, the UCE received another email from PADILLA-CONDE's email address abuzaidasalafiyya@xxx.com, containing a video clip of PADILLA-CONDE stating the following (as preliminarily translated and transcribed):

Alsalamu alaykum wa rahmatu Allahi wa barakatuh. This video, in shaa' Allah is to state my intention of coming to Iraq and make hijra from this land of Kuffr to [UI] the Khilafa, to defend the Muslmeen against the Kuffar, in shaa' Allah, Rab al-alameen, I can be there to learn the deen [religion] correctly in shaa' Allah to serve the Muslims and be a help to the Khalifah, in shaa' Allah. at the moment you see the car downstate [UI] staying in, it's my home because i am [UI] from my home and i am still at the borders. So in shaa' Allah the brothers can contact me as soon as the can, so can make this process in shaa' Allah and I will see you all brothers very soon in shaa' Allah, for the sake of Allah, Jazakum Allahu khayran [thank you].

15. During 10/5/2016, the UCE conducted an ongoing email conversation with LUDKE at email address salafimuslim1980@xxx.com. LUDKE informed the UCE that he was travelling in Texas and was on his way to El Paso. LUDKE stated that his brother-in-law, a Palestinian Muslim, advised that he go to El Paso. LUDKE stated that he and PADILLA-CONDE intended to sell their vehicle once they arrived in El Paso, because they would be at the border. LUDKE

also stated that he was to meet a woman in Texas who he intended to marry and that they intended to live in Raqqah, Syria. LUDKE told the UCE that he has training in jui jitsu and computers, which the UCE commented would be a benefit to the brothers. LUDKE stated that PADILLA-CONDE already had received firearms training from his time in the military in Cuba.

16. Later on 10/5/2016, law enforcement located PADILLA-CONDE and LUDKE near San Angelo, Texas, heading southeast toward the Mexican border. LUDKE was arrested on an outstanding warrant from Milwaukee, and PADILLA-CONDE is being held on immigration related issues.
17. After being advised of his rights and agreeing to waive them, LUDKE told interviewing FBI agents that he and PADILLA-CONDE left Wisconsin because they were not able to pay their rent. LUDKE stated that he feared being sent back to jail, and PADILLA-CONDE feared being deported. LUDKE told the agents that when PADILLA-CONDE told LUDKE that PADILLA-CONDE was leaving for Texas, LUDKE cut the tracking device off his ankle. LUDKE stated that he and PADILLA-CONDE planned to travel through Texas and cross the border into Mexico. LUDKE stated that he has a brother-in-law who lives in Mexico, but was unable to provide a true name or information on his whereabouts. LUDKE stated that he would like to study Arabic in Yemen. LUDKE said that he and PADILLA-CONDE discussed going to Yemen while traveling to Texas. LUDKE told the agents that he likes to watch videos of Anwar Awlaki¹ and other Sufi lectures.

¹ Anwar Al-Awlaki was an Islamic lecturer and a leader of Al-Qaeda in the Arabian Peninsula ("AQAP"), a Yemen-based designated foreign terrorist organization that has claimed responsibility for terrorist acts against targets in the United States, Saudi Arabia, Korea and Yemen since its inception in January 2009. Pursuant to a Presidential Executive Order, Al-Awlaki was

18. After being advised of his rights and agreeing to waive them, PADILLA-CONDE told interviewing FBI agents that he left Wisconsin on 9/30/2016 because he cannot make a living working for cash and was about to be evicted. He has known LUDKE for approximately 11 years. PADILLA-CONDE said he drove by himself to Chicago before turning around to return to Milwaukee to pick up LUDKE. The two then left Wisconsin together. While traveling south, PADILLA-CONDE used his phone to search for mosques along the way. PADILLA-CONDE would ask permission to use the mosques' parking lot where they would sleep in their vehicle. According to PADILLA-CONDE, LUDKE watches online speeches of Anwar Awlaki and has decided to travel to Iraq or Yemen for Jihad. According to PADILLA-CONDE, LUDKE often speaks of becoming "learned" and joining the Islamic State (ISIL). PADILLA-CONDE stated that LUDKE was in contact with a person with whom LUDKE had discussed joining ISIL.² PADILLA-CONDE stated that this individual was to assist PADILLA-CONDE and LUDKE in crossing the border into Mexico and with their travel to Iraq or Yemen. It was expected that they would be able to acquire passports in Mexico, which would allow them to travel internationally. PADILLA-CONDE stated that while driving to Texas, he tried to talk LUDKE out of traveling overseas. He further stated that he planned to leave LUDKE once they were in Mexico.

designated by the United States as a "Specially Designated Global Terrorist" on July 12, 2010. Al-Awlaki was reportedly killed in Yemen in September 2011.

² Based on PADILLA-CONDE's description, this person is believed to be the UCE discussed above.

AO 442 (Rev. 11/11) Arrest Warrant

U.S. District Court
Eastern District of Wis. } ss
I hereby certify that this is a
true and correct copy of the original
now remaining of record in my
office.

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

DAVID E. JONES
U.S. Magistrate Judge
DATED: 10/14/16
By: [Signature]

United States of America

v.

Yosvany Padilla-Conde

Case No. 16-M-132

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) Yosvany Padilla-Conde

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Title 18 U.S.C. §§ 2339B(a)(1) and 2: Aiding and abetting the attempt to provide material support to a designated foreign terrorist organization

Date: Oct. 14, 2016

[Signature]
Issuing officer's signature

City and state: Milwaukee, Wisconsin

Honorable David E. Jones, U.S. Magistrate Judge
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title